

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

RUBY LEVI and EMILY CHICOINE, on behalf )  
of themselves and all others similarly situated, )  
   )  
   )  
Plaintiffs, )  
   )  
   )  
v. )   Civ. A. No. 1:15-cv-216-WES-PAS  
   )  
   )  
GULLIVER'S TAVERN, INCORPORATED, )  
and SOLID GOLD PROPERTIES, INC., both )  
d/b/a THE FOXY LADY )  
   )  
   )  
Defendants. )

**ORDER**

WILLIAM E. SMITH, District Judge.

Plaintiffs have filed an Assented-To Motion for Preliminary Settlement Approval pursuant to Federal Rule of Civil Procedure 23(e) and the Fair Labor Standards Act, 29 U.S.C. § 216(b) (the “Motion”). In the Motion, Plaintiffs request an order preliminarily approving the settlement of the above-captioned action on a class and collective action basis in accordance with the parties’ settlement agreement (the “Agreement”), which sets forth the terms and conditions for a proposed settlement of this matter and its dismissal with prejudice.

Having reviewed the Motion, the Agreement, the Parties’ proposed notice and claim form (the “Notice”), and all other materials and authorities submitted by the Parties, the Court hereby FINDS and ORDERS that:

1. The terms defined in the Agreement are hereby incorporated by reference. All capitalized terms shall have the same meaning as those used in the Agreement, unless otherwise specified.

2. This Court has jurisdiction over the subject matter of the Action and all Parties in this proceeding, including the administration of the Parties' proposed settlement and all members of the Settlement Class.

3. All Settlement Class members shall have the right to exclude themselves from the settlement by way of the opt-out procedure set forth in the Agreement. All Settlement Class Members shall also have the right to object to the settlement by way of the objection procedure set forth in the Agreement.

4. This Court finds that the Agreement is fair, reasonable, and adequate, and within the range of possible approval, subject to further consideration at a final fairness hearing as set forth below. Accordingly, the Court grants preliminary approval of the settlement.

5. This Court authorizes Plaintiffs and Plaintiffs' Counsel to enter into the Agreement on behalf of the Settlement Class, subject to final approval by this Court. Plaintiffs and Plaintiffs' Counsel are hereby authorized to take all appropriate action required or permitted to be taken by the Class pursuant to the Agreement to effectuate its terms.

6. This Court finds that the Notice satisfies the requirements of due process, the Federal Rules of Civil Procedure, and constitutes the best notice practicable under the circumstances. The Court approves the form and content of the Notice and authorizes the Parties to issue Notice in the manner set forth in the Agreement.

7. The final fairness and approval hearing shall take place before the Honorable William E. Smith on January 18, 2022, at 9:00 a.m.<sup>1</sup> Unless otherwise ordered, that hearing shall be conducted by remote videoconference means. At that hearing, the Court shall determine whether the proposed settlement of the Action on the terms provided for in the

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Agreement is fair, reasonable, and adequate as to the Settlement Class members and should be approved; whether the Action should be dismissed with prejudice on the terms provided for in the Agreement; the amount of fees and costs that should be awarded to Plaintiffs' Counsel; and the amount of the service awards that should be awarded, as provided for in the Agreement. The Court will also hear and consider any properly lodged objections at that time.

8. This matter shall be stayed pending further order of the Court.

IT IS SO ORDERED.



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The Honorable William E. Smith  
District Judge

Date: September 23, 2021